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1960 FBI Memo Warned

By Ben A. Franklin
New York Times News Service

WASHINGTON — J. Edgar Hoover in 1960 sent a memorandum to the State Department raising the possibility an impostor might be using the credentials of an American defector named Lee Harvey Oswald, who was then in the Soviet Union.

This memo from the director of the Federal Bureau of Investigation and

two subsequent State Department memos related to it were apparently not shown to key investigators of the Warren Commission, which examined the assassination of President John F. Kennedy and determined that Oswald, acting alone, was the assassin.

The late Hoover's warning of the "possibility" that an impostor could be using Oswald's identification data, in the Soviet Union or elsewhere,

came more than two years before the murder of the American president in Dallas on Nov. 22, 1963. The impostor theory was rejected, by implication but not directly, in the published report of the Warren Commission, and its significance could not be determined.

The body of the man who the commission concluded had shot the president — and who was shot to death by

MENTO BEE



February 23, 1975

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FINAL EDITION

Of Oswald Impostor

Jack Ruby two days later — was identified by his mother and other relatives and also by fingerprints and other physical features as that of Lee Harvey Oswald.

But the apparent withholding of information from commission investigators responsible for checking Oswald's activities in foreign countries supported a theory of some critics of the commission's final report that the

panel had come to its conclusion regarding Oswald without having had all the facts.

A spokesman for the F.B.I. said, in response to questions, that "we can definitely state, without hesitation, that a copy of the Hoover memo was shown to a member of the Warren Commission staff in the presence of an F.B.I. agent." However, the spokesman said he could not identify

the commission staff member to whom the memo reportedly had been shown. Neither J. Lee Rankin, the former general counsel of the commission, nor any of his former staff aides who were most involved in investigating Oswald's background, said they could remember seeing it.

However, Howard P. Willens, now a

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private lawyer here, identified himself in an interview Saturday as the commission lawyer who had reviewed the F.B.I. file. Willens, who was then the commission's special liaison officer to the Justice Department, said that "while I do not think that anyone can state now with the necessary precision whether or not he saw the Hoover memo, it is my best recollection that I did, in fact, see that memo."

"I do not want to be in a public debate with my old colleagues," Willens said, "but I know that there was discussion of this among others on the staff concerned with the activities of Oswald abroad. I am concerned with continued public references to the notion that the commission overlooked obvious facts."

Shown the F.B.I. memos and the two State Department documents — discovered in the National Archives here by a private researcher — W. David Slawson, a lawyer who checked out rumors about Oswald for the commission in 1964, said he thought the assassination inquiry should be reopened.

Slawson, who is now a law professor at the University of Southern California, said he and other investigators had never been shown the memos.

"We were the rumor runner-downers, and we certainly should have seen this material, as we did a great deal of other stuff that we showed to be unfounded," he said.

"It may be more significant that we did not see it, in terms of a possible cover-up and the reasons for it, than if we had seen it. I mean, I don't know where the impostor notion would have led us — perhaps nowhere, like a lot of other leads. But the point is, we didn't know about it. And why not?"

Slawson said in an interview that the investigation should be reopened also "because the interposition of an impostor, if that happened, is a political act."

"And after all, this (the assassination) was not just another murder," he said. "It was, by definition, a political murder."

Two other commission staff members shared with Slawson the responsibility for checking out rumors. Neither recalled specifically having seen the memos, but they tended to discount any thought of a renewed investigation.

Hoover's memo was dated June 3, 1960. It concluded: "Since there is a possibility that an impostor is using Oswald's birth certificate, any current information the Department of State may have concerning subject will be appreciated."

Two internal State Department memos transmitted Hoover's warning. One, dated June 10, 1960, went to the department's Soviet desk. The other, dated March 31, 1961, was sent from one section of the Passport Office to another.

The latter memo indicated concern that a revalidated passport to be issued to Oswald in preparation for his return to the United States in June, 1962, not be mailed to him through the Soviet postal system but be delivered to him "only on a personal basis" at the embassy in Moscow. Officials there could then be satisfied that they were dealing with the real Oswald.

The Warren Commission subsequently developed that in July, 1961, Oswald's passport was handed back to the man who Moscow embassy officials were satisfied was the same Oswald they had first met in 1959, when he angrily announced his intention to renounce his citizenship. The State Department had ruled by then that he had not actually given up his citizenship.

None of these documents — not the Hoover memo or either of the State Department memos — was in the department's Oswald file as it was given to the Warren Commission in 1964, according to Slawson.